THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 20475 of 2005

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Dated : 19.09.2005

Between:

Syed Abdul Khader H. No. 17-2-181/51/A, A1-

Jabri Colony, Yaqutpura, Hyderabad, A.P.

..... PETITIONER

AND

Regional Passport Officer, Near Clock Tower,

Secunderabad rep by Regional Passport Officer.

.....RESPONDENT

ORDER:

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This writ petition is filed seeking a declaration that the inaction of the respondent in receiving and considering the application of the petitioner for issuance of fresh passport with correct date of birth, in the light of the circular dated 18.04.2001 issued by the Ministry of External Affairs, Government of Andhra Pradesh, is arbitrary and

illegal.

Heard learned counsel for the petitioner and the learned standing counsel appearing for respondent. Both counsel agreed that the matter can be disposed of in the light of the orders passed by this Court in W.P.No.19290 of 2003 dated 12.09.2003.

Pursuant to the judgment of the High Court of Bombay, the Government of India, Ministry of External Affairs issued circular instructions dated 18.04.2001, which reads as under:

> " (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth is the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
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> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
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> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth."

This Court in ALI IMRAN Vs. Regional Passport Officer, Secunderabad, disposed of the writ petition in the following manner:

> "Be it noted that under the provisions of the Passport Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/correction. Nonetheless, as per clause © above, if an entry had been made on the

> basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the Civil Court."

In the present case, since the petitioner has produced Secondary School Certificate dated 07.05.1990 as a proof of his date of birth as 06.04.1974, the case of the petitioner falls under Clause "a" of the circular guidelines dated 18.04.2001.

In the circumstances, the writ petition is disposed of directing the respondent to consider the application filed by the petitioner along with certificate of Secondary School certificate and pass appropriate orders in the light of the judgment of this Court in Ali Imran's case. No costs.

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19.09.2005

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